

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4441 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

NAGAR PANCHAYAT VANTHALI

Versus

PERSHOTTAM DAYABHAI KACHA

Appearance:

NOTICE SERVED for Petitioner

NOTICE SERVED for Respondent No. 1, 3

MR MUKESH PATEL, AGP for Respondent No. 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 18/02/2000

ORAL JUDGEMENT

Respondent No. 1 herein was a member of the petitioner Vantthali Nagar Panchayat. On the ground that respondent No. 1 had remained absent from the meetings of the Nagar Panchayat for a continuous period of more than four months between 6.7.1987 and 25.3.1988, the Nagar Panchayat passed a resolution on 25.3.1988

declaring that respondent No. 1 had ceased to be a member of the Nagar Panchayat as per the provisions of Section 50(2) of the Gujarat Panchayats Act, 1961. Respondent No. 1 carried the matter in appeal before the Appeal Committee of the Junagadh District Panchayat. The Appeal Committee allowed the appeal as per its order dated 6.7.1988 (Annexure "C" to the petition). Aggrieved by the said decision, the Nagar Panchayat filed the present petition in August, 1988. The petition was admitted in August, 1988, but no interim relief was granted.

2. When the petition has reached final hearing today, obviously the term of respondent No. 1 as a member of the Nagar Panchayat has expired and the petition has become infructuous. Nothing further is required to be done in this matter. The petition is accordingly dismissed as infructuous.

Rule is discharged.

February 18, 2000 (M.S. Shah, J.)
sundar/-